



2010

# Idaho Forest Practices Year-End Report



*Developed and Submitted by*

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### ***Introduction***

The Idaho Forest Practices Act (FPA), which was originally passed into Idaho law in 1974, is a statute that encourages sustainable, forestry-related operations on Idaho forestlands. The FPA, and the associated administrative rules (Forest Practices Rules), were developed and modified to promote active forest management and help enhance the ecological and social benefits derived from Idaho forestlands, while maintaining and protecting vital forest resources. The Best Management Practices (BMPs) defined within the Forest Practices Rules are designed to protect water quality, wildlife habitat and forest health, and to enhance tree growth and vigor. These BMPs, in part, provide assurance to the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) that Idaho is meeting the water quality standards prescribed for the state as harvesting, burning, planting and the transporting of forest products are carried out.

The Idaho Forest Practices Act Advisory Committee (FPAAC) is the body of professionals and concerned citizens charged with providing direction and leadership in the promulgation of new administrative rules, and in the modification of existing rules. The Idaho Department of Lands (IDL) is the agency which is statutorily charged with administering and enforcing the FPA and the Forest Practices Rules.

IDL has a Memorandum of Understanding (MOU) with the Idaho Department of Water Resources (IDWR). Pursuant to the MOU, IDL is granted the authority to permit and inspect specific stream-channel crossing structures installed as part of a defined forest practice. Each year, IDL provides stream-crossing installation information to IDWR related to these crossings.

Each January, the Forest Practices Program, administered by the IDL Bureau of Forestry Assistance, collects and compiles data from the previous calendar year to provide land managers, forestry professionals and other interested parties an overall picture of the forest practices inspection activities that have occurred on **private** forestlands. (For the purposes exhibited in this report, *private* forestlands include mostly industrial and non-industrial private forestlands, but can include a few county, municipal or other-than-endowment state forestlands). In 2009, IDL developed a new Forest Practices database to more effectively track Forest Practices inspection activities statewide; this Bureau-based database collects and compiles data received from the IDL Area Offices. The Bureau of Forestry Assistance also initiated a spreadsheet to collect and track all Forest Practices and Service Forestry activities carried out by IDL's Private Forestry Specialists (PFSs) and seasonal personnel statewide. The information recorded in these two datasets provides the bulk of the data reflected in this 2010 year-end report. The Stream Channel Alteration Permit (SCAP) activities were recorded by each PFS and year-end SCAP data was sent to the Bureau upon request. Data showing the total number of Forest Practices Notifications submitted for forest practices conducted on both state and private forestlands was collected from the IDL Fire Management Bureau.

Every four years, to monitor BMP compliance during harvesting operations, IDEQ administers and carries out a water-quality audit of sites containing Class I streams and recently completed harvesting operations. The most recent audit, during the summer of 2008, was conducted on 43 sites including industrial private, nonindustrial private, state, and Forest Service ownerships. Each operational area was inspected to check compliance with Forest Practices Rules and to observe corresponding observable effects on water quality. Overall, the audit revealed that compliance rates were generally very high. The audit report can be accessed at this site: [http://www.deq.idaho.gov/water/data\\_reports/surface\\_water/monitoring/forest\\_practices\\_water\\_quality\\_audit\\_2008.pdf](http://www.deq.idaho.gov/water/data_reports/surface_water/monitoring/forest_practices_water_quality_audit_2008.pdf). The next quadrennial water-quality audit will be conducted during the summer of 2012.

The number of Forest Practices Notifications submitted for operations being conducted on both state and private forestlands show that timber harvesting increased in 2010 compared to 2009. IDL's records show that there was almost a 40% increase in total submitted Notifications from 2009 to 2010. However, following two years of diminishing timber markets and mill closures, the 2009 year-end total reflects a long-term low in total number of Notifications submitted statewide. Even though there was a significant increase in reported harvesting operations in 2010, this year-end total still reflects a 21% decrease from Notifications submitted during 2008 and a 49% decrease from 2007.

During the summer of 2010, the IDL Forest Practices Program conducted an internal survey, collecting data on Class I (fish-bearing) streams and riparian areas within the Clearwater River drainage. Data was collected on 39 sites, on both state and private forestlands. Data collected and recorded included measurements of bankfull and flood-prone widths, and detailed observations on the extent of riparian vegetative types adjacent to these streams. These data will be used to inform IDL and the Forest Practices Act Advisory Committee as riparian-management guidelines and rules are written and modified.

At the start of 2009, IDL employed 14 PFS positions and eight seasonal (temporary) positions, all providing Forest Practices inspections across the state. As of June, 2010, IDL had eight full-time PFSs on staff, assisted by six seasonal Forest Practices inspectors. Continuing budget challenges to the Bureau of Forestry Assistance in 2010 prevented replacement of all of the PFS positions lost during 2009, however, by the end of 2010, due to high Notification numbers and inspection needs in Kootenai and Shoshone Counties, IDL hired a new PFS on the Mica Supervisory Area, bringing the total number of PFSs statewide to nine. This added PFS position performs Forest Practices inspections throughout the IDL Mica and Cataldo Supervisory Areas.

## Forest Practices Notifications

### Private and State Forestlands—Notification and Compliance Submissions

Before commencing any rule-defined *forest practice* (commercial or non-commercial) on private timberlands, an *Operator* (responsible for the forest-practice implementation and compliance with Forest Practices Rules) must file a Forest Practices Notification (*Notification*); non-commercial forest practices require the submission of a Notification unless the harvested wood will be solely used for the landowner's/harvester's personal use. If the forest practice is a commercial operation, then a Hazard Management Agreement (Compliance) must also be submitted and signed by the *Contractor* (responsible for rule-compliant slash management). Slash hazard mitigation on commercial operations must be inspected and a clearance issued following harvesting and site-preparation operations. The Notification and the Compliance are both contained in the same one-page form, requiring distinct signatures from both the *Operator* and the *Contractor*.

The total number of Notifications/Compliances submitted statewide in 2010, for operations on **private and state (endowment) forestlands**, is **1790**, a 39.6% increase from the 1282 Notifications submitted in 2009. While showing an increase in harvesting activities since last year, this total is still down from years prior to 2009. The 2010 total (1790) represents a 21% decrease in total submitted Notifications compared to 2008, and a 54.7% decrease from 2005. *Table 1* shows a breakout of Notifications/Compliances submitted in 2005 through 2010, broken out by IDL **Fire Protection Districts** (not by IDL Supervisory Areas).

Fire Prot. District	2005	2006	2007	2008	2009	2010
Priest Lake	99	80	109	75	39	49
Kootenai Valley	365	369	336	295	111	152
Mica	624	532	598	377	195	262
Pend Oreille	1019	775	884	578	295	408
Cataldo	176	164	189	89	60	70
St. Joe	627	576	493	321	210	263
Ponderosa	237	234	255	157	71	120
Maggie Creek	134	109	106	62	27	59
Craig Mountain	103	117	120	61	49	72
Southwest	61	72	50	21	25	30
Eastern Idaho	9	9	16	9	3	7
SITPA	157	107	102	46	35	65
CPTPA	338	301	259	175	162	233
<b>TOTAL</b>	<b>3949</b>	<b>3445</b>	<b>3517</b>	<b>2266</b>	<b>1282</b>	<b>1790</b>

**Table 1.** Total Forest Practices Notifications/Hazard Management Agreements (Compliances) Submitted Each Year, 2005-2010, including operations conducted on both state and private forestlands.

## *Private Forestlands—Notification Submissions*

The total number of (Forest Practices) Notifications submitted on **private lands** for 2010 is **1527**. These include all *commercial operations*, *non-commercial operations which generate slash*, and *cost-shared activities* which constitute a *forest practice*. Notifications totaled in this **private lands** category include operations conducted on industrial and non-industrial private forestlands.

In addition to those noted above, **39** fuels-reduction or forest-health-improvement operations, all qualifying as forest *practices*, were conducted on private lands under a federal stimulus project or with the aid of federal hazard-reduction grants. These Notifications were submitted to IDL via a report as part of Memorandums of Understanding (MOUs) with associated counties. Fifty-six (56) Forest Practices inspections were performed on operational units within these 39 total operations.

## **Forest Practices Inspection Reports**

### *Frequency and Location of Inspections*

Once the Forest Practices Notification is on file in the local IDL Area Office, the Private Forestry Specialist (PFS) begins the process of scheduling on-site inspections. The current goal is to inspect at least 50% of all of the forest-practice operations that have a Notification on file. Inspections may be performed multiple times on the same operation, depending on the observed site conditions and/or upon request of the *Operator* or landowner. Notifications indicating the presence of a Class I stream in or adjacent to the operational area may trigger the PFS to conduct inspections at a higher priority. Depending on the characteristics of any particular operation, PFSs may use other site-specific criteria to prioritize inspections, including the presence of Class II streams, unstable soils or slopes greater than 45% in gradient.

During 2010, IDL PFSs performed **1369** total Forest Practices inspections of operations on *private* forestlands.

*Figure 1* shows a spatial representation of all Forest Practices inspections performed on private forestlands in 2010, broken out by IDL Supervisory Area. 82.5% of all private-land *inspections* were carried out on operations occurring in the eight northern IDL Supervisory Areas (north of the Clearwater River). This closely parallels the proportion of *private-forestland Notifications* submitted on operations north of the Clearwater River, compared to south. 1328 (87%) of the total 1527 Notifications submitted in 2010 for operations on *private* forestlands occurred north of the Clearwater River. 1557 (87%) of the total 1790 Notifications on *state endowment and private lands* were submitted for operations occurring north of the Clearwater River.



# 2010 FPA Inspections

1369 total inspections

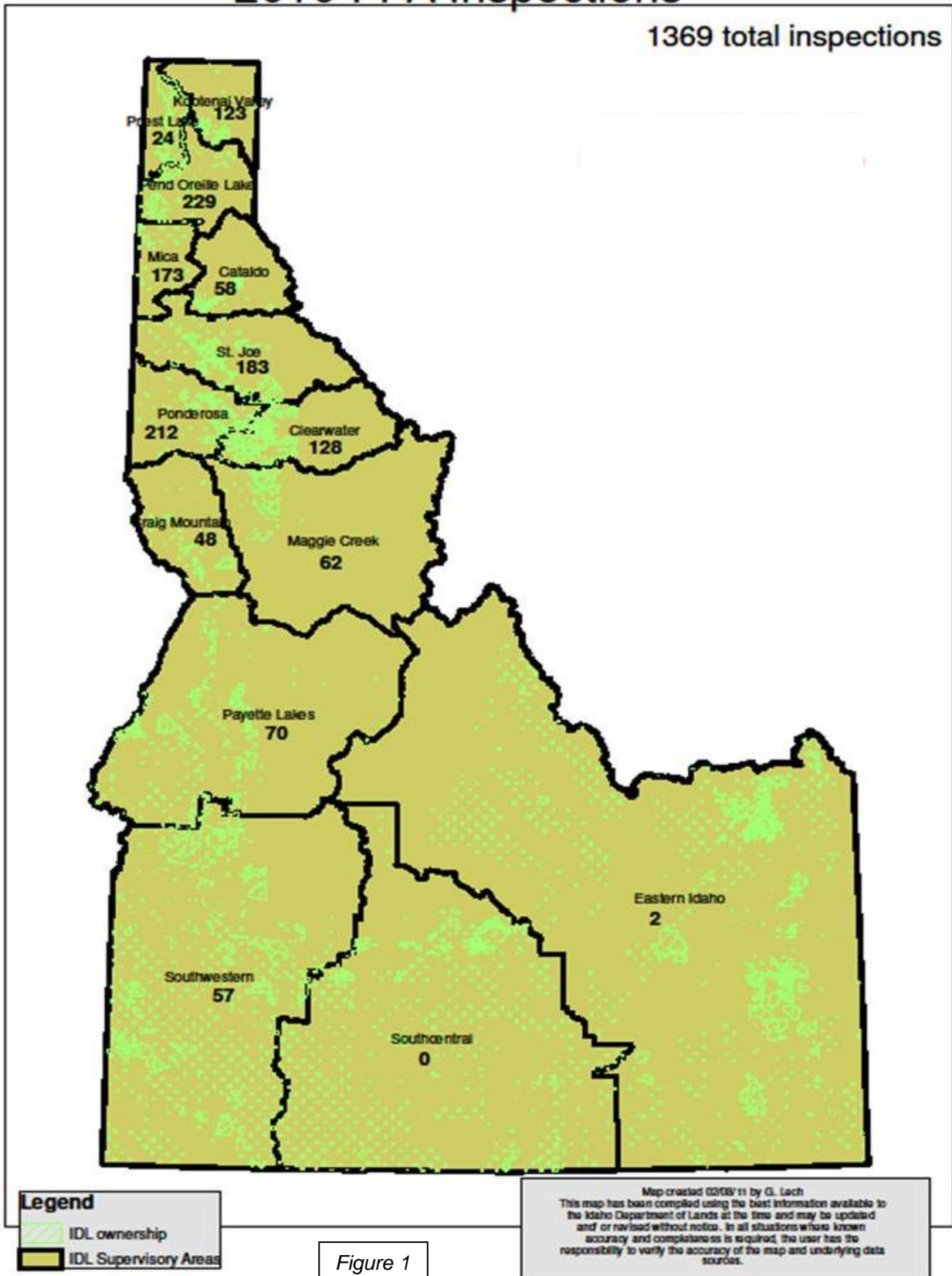
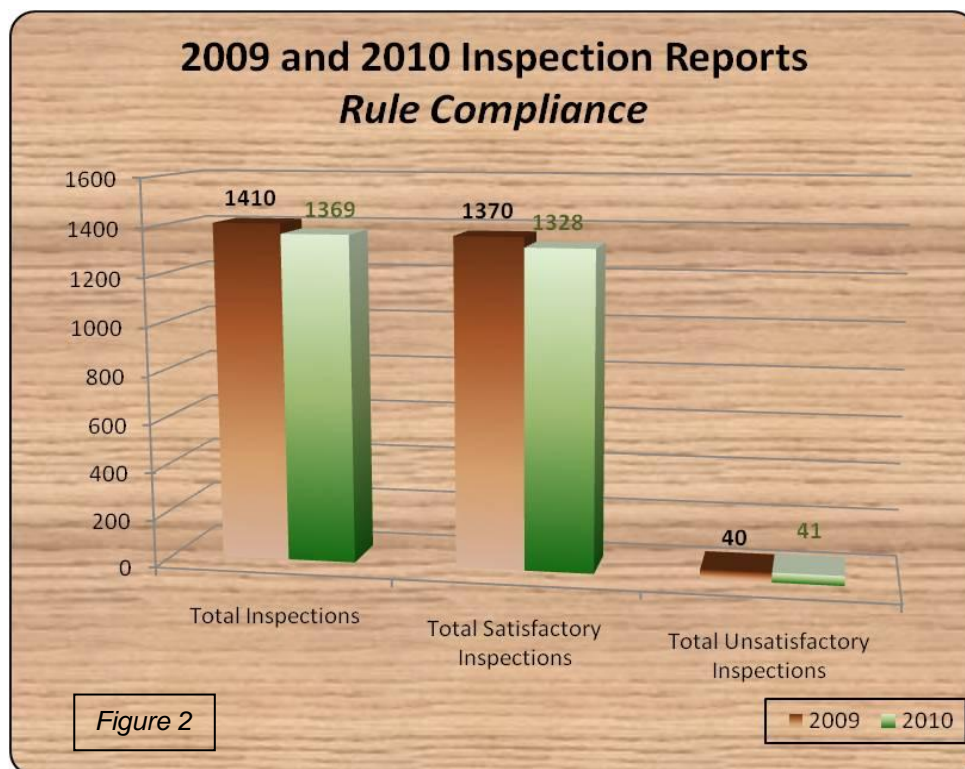


Figure 1

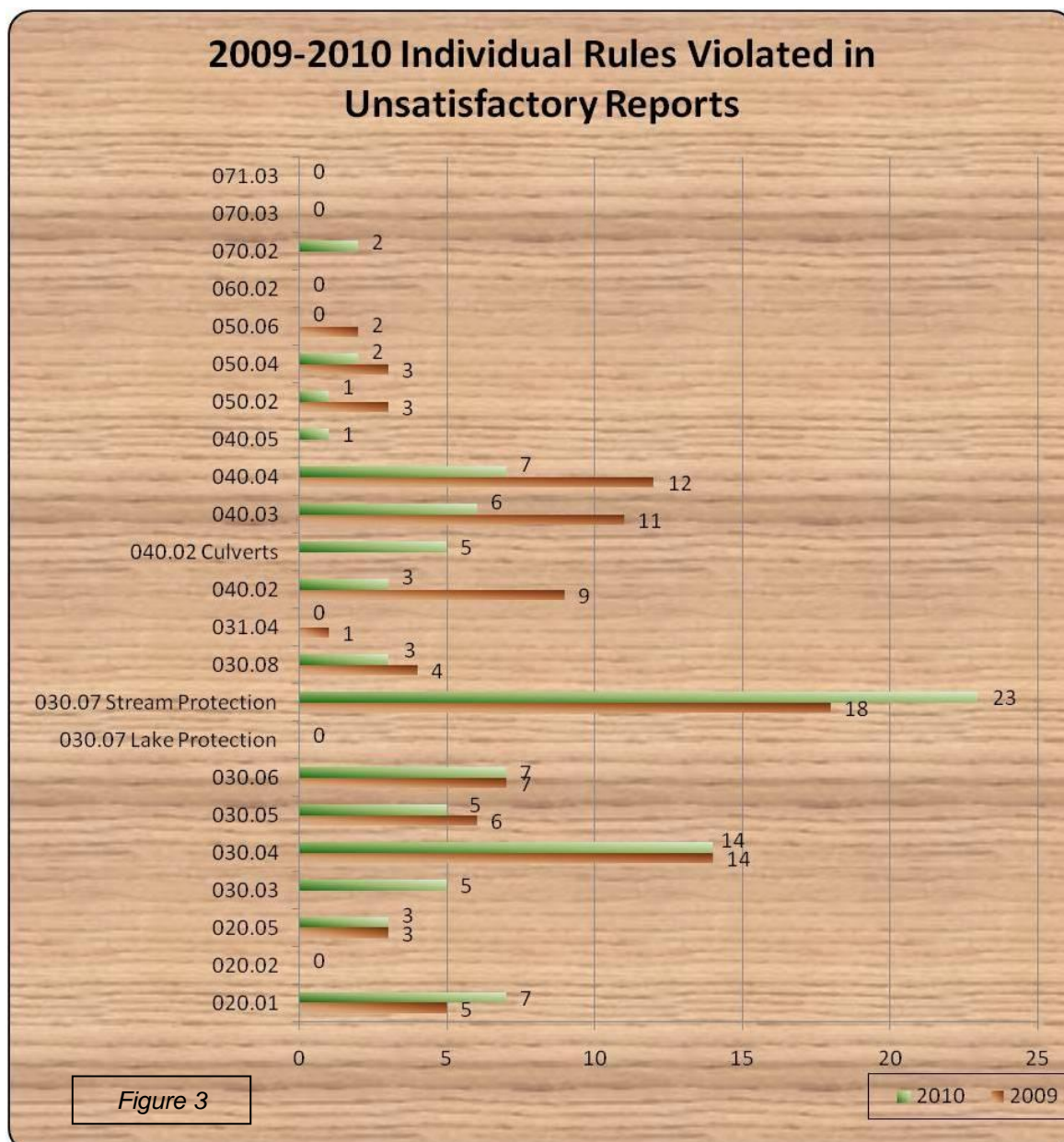
## Rule Compliance

*Figure 2* shows a comparison of the total number of 2009 and 2010 Forest Practices inspections performed, and also the breakdown of those inspections into satisfactory reports (inspection reports indicating compliance with all rules inspected) and unsatisfactory reports (inspection reports indicating an infraction of at least one rule). *Figure 2* shows that the total number of inspection reports containing all-satisfactory conditions was **1328** (*Total Satisfactory Inspections*); this demonstrates that **97%** of all inspections performed in 2010 were in total compliance with the Forest Practices Rules (including sites that were found satisfactory in post-unsatisfactory inspections after they were brought into full compliance through remediation). This total number of inspections (1369) encompasses *all* inspections, including inspections performed multiple times on the same operation.



Within these 1369 performed inspections, the number of inspections that resulted in reports indicating at least one unsatisfactory condition totaled 41, 3% of the total inspections performed; this incompliance rate is very similar to the 2.8% unsatisfactory-inspection rate in 2009.

Figure 3 shows the frequency and types of individual rules that were violated in these *unsatisfactory* reports. (To see the individual administrative rules listed, visit this site to view the Forest Practices Rules: <http://adm.idaho.gov/adminrules/rules/idapa20/0201.pdf>) As was true in past years, the stream-protection rules (rules listed under Forest Practices Rule 030.07.) were the most frequently infringed rules, reflecting 24.5% of the 94 total rules infringed within the 41 unsatisfactory inspection reports. The number of stream-protection rules infringed increased from 18 in 2009 to 23 in 2010, yet still showed a decrease from the 42 infringed stream-protection rules in 2008. The infractions of these stream-protection rules are predominantly activities in which there was unlawful use of equipment in the Stream Protection Zone and/or unauthorized use of an existing road or skid trail within the Stream Protection Zone.

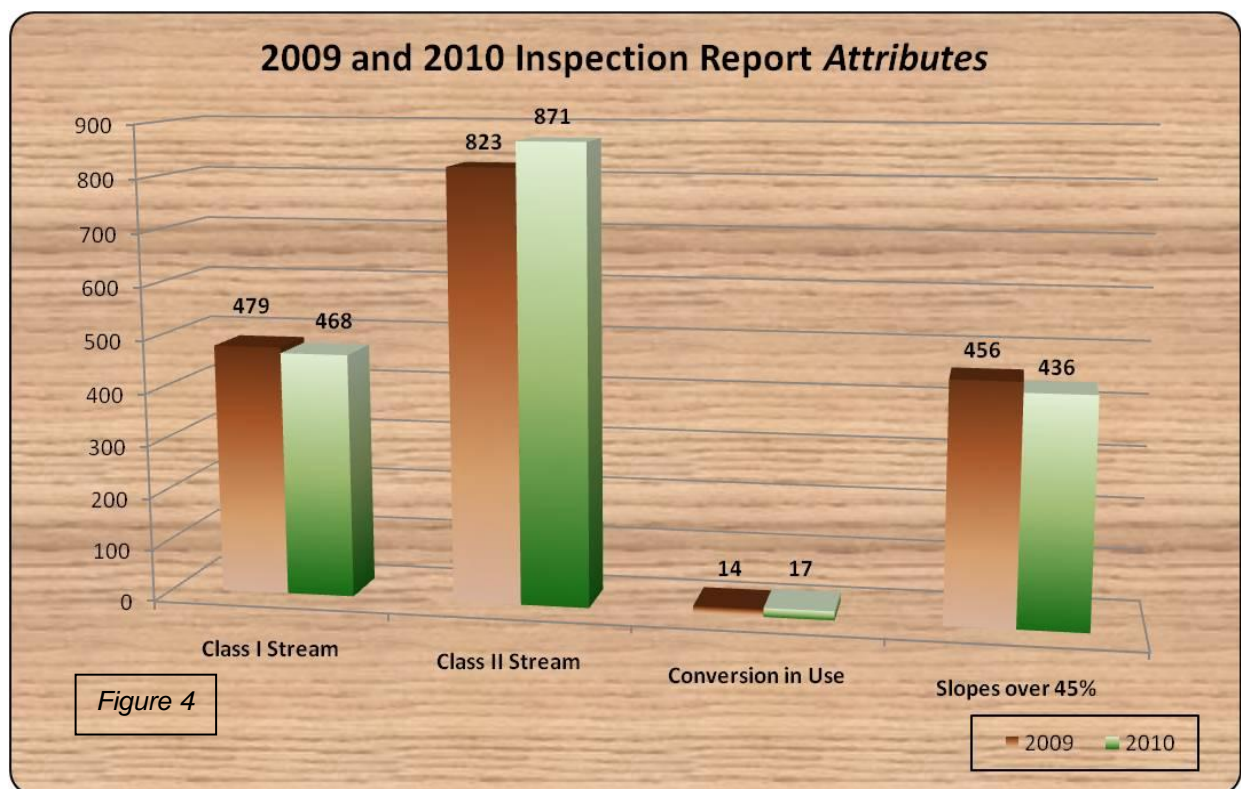




Most of the 14 reported violations of Rule 030.04. (rules dealing with the location of landings, skid trails and fire trails) also deal with infractions occurring within the Stream Protection Zone; an infraction of this rule generally reflects observation of a new or reconstructed landing or skid trail located within these protected riparian areas.

### *Attributes of Inspected Sites*

Of the 1369 total inspections, 468 (34.2%) were performed on operational areas containing a Class I stream (fish-bearing or domestic-water supplying). In addition, 871 (63.6%) of the total inspections were conducted on sites with Class II streams in or adjacent to the forest-practice operation. 436 (31.8%) of the inspections occurred on operations containing steep slopes, and 17 (1.2%) of the inspections indicated that a conversion in land use was occurring in, or around, the operational area. As these data show, it is not unusual for one operational area to contain both Class I and Class II streams, as well as steep slopes. *Figure 4* exhibits these special site attributes of the inspected areas.



## Individual Operations Inspected

The total number of inspection reports includes repeat and follow-up inspections on the same operation; there were actually **1006 distinct operations** (forest practices) that were inspected in 2010. A comparison of distinct *operations* inspected in 2009 and 2010 is shown in *Figure 5*.

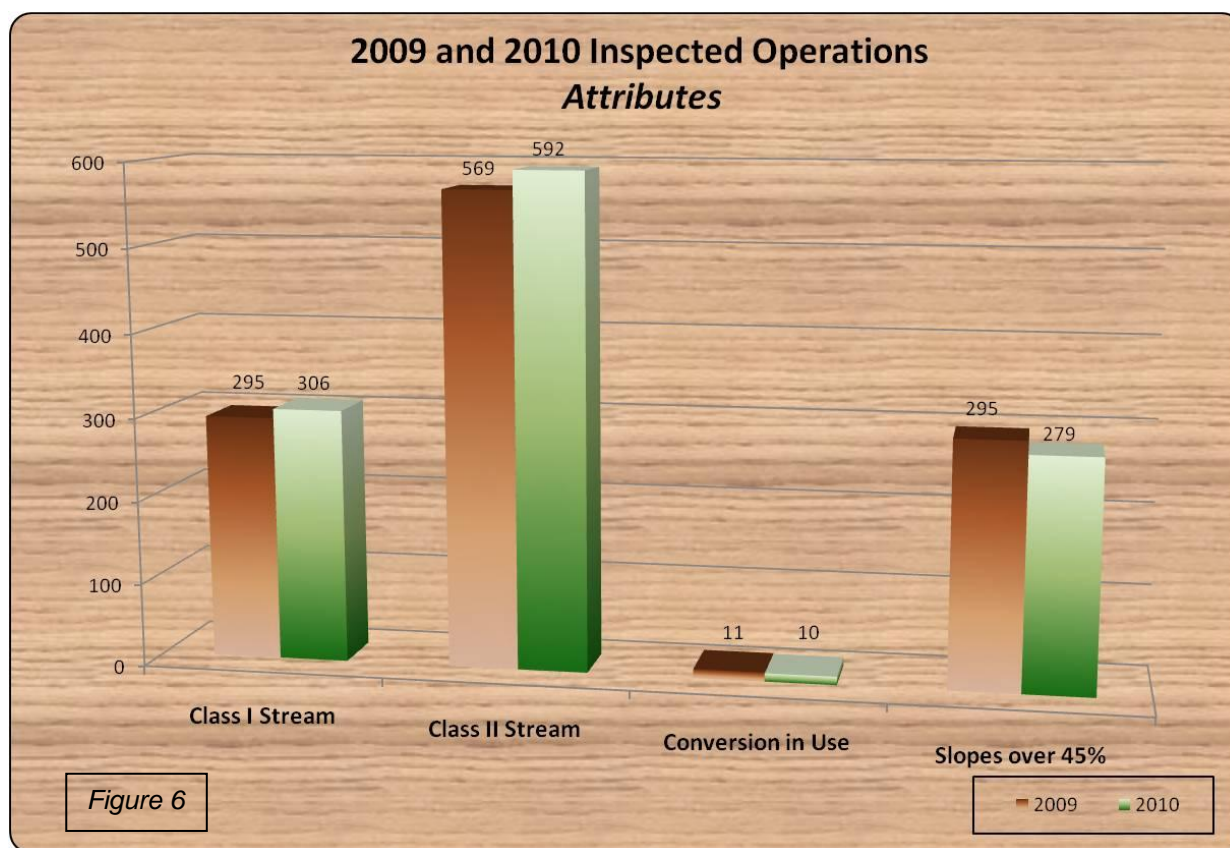
Approximately 66% of all operations on *private* forestlands received at least one inspection in 2010, far exceeding IDL's statewide goal of inspecting 50% of the operations with a Notification on file. (*Note: Many of the 2010 inspections were performed on sites with Notifications submitted in previous years, and many of the late-year Notifications did not receive inspections until after the start of 2011. However, this year-to-year carry-over remains somewhat constant over the years, and IDL consistently looks at the number of inspected operations compared to the total number of private-forestland Notifications submitted.*)



Of these 1006 total distinct operations receiving at least one inspection, 974 (96.8%) received inspection reports in which all aspects of the operation were deemed *satisfactory* and in compliance with the Forest Practices Rules. Only 32 operations received at least one inspection report in which at least one *unsatisfactory condition* (rule infraction) was issued.

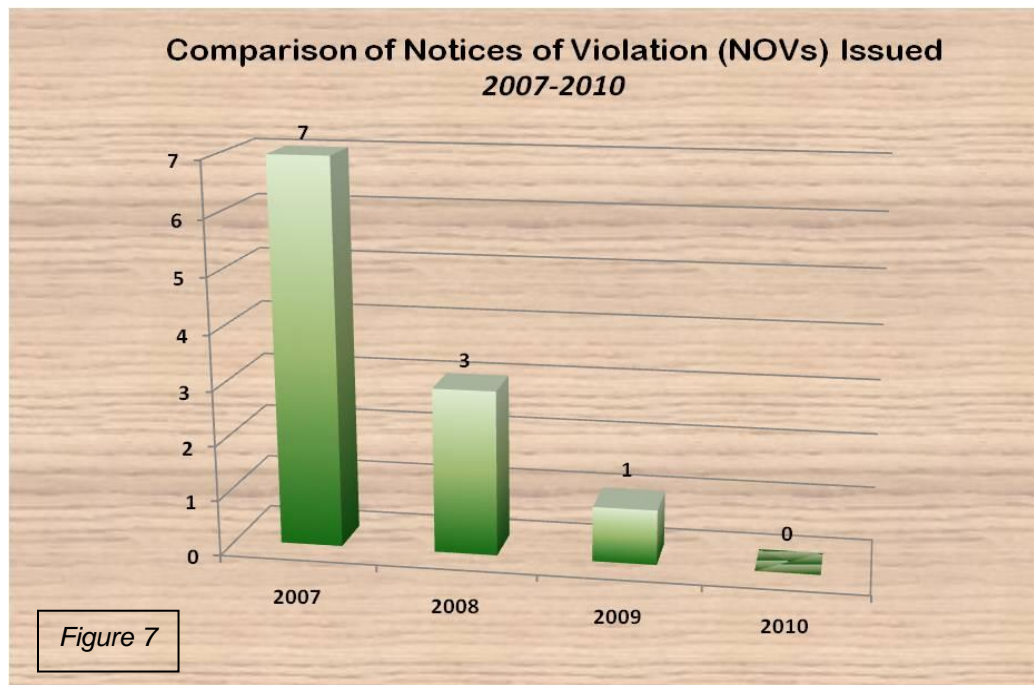
IDL's PFSs continue to prioritize inspections of operations containing Class I (fish-bearing) streams. In addition, emerging issues involving tree retention adjacent to Class II streams prioritized inspections of operations containing steeper, headwater-types of Class II streams throughout 2010 and part of 2009.

Figure 6 shows the number of inspected *operations* being performed in an area containing (or adjacent to) a Class I or Class II stream. Of the 1006 total (distinct) *operations* inspected, 306 (30.4%) of the operational areas contained a Class I stream, and 592 (58.8%) contained a Class II stream. Ten inspected operations indicated a conversion in land use, and 279 (27.7%) of the inspected operations contained steep slopes (any one operational area may have contained several of these site characteristics). These amounts of inspected site characteristics relative to the total number of inspected operations have remained fairly consistent from 2009 to 2010.



## Notices of Violation

A Notice of Violation (NOV) is issued when repeated unsatisfactory conditions and/or severe resource degradation are observed during an inspection. In 2010, **no** NOV's were issued, a decrease from one NOV issued in 2009, three NOV's issued in 2008, and seven NOV's issued in 2007 (*Figure 7*). A clear pattern of decreasing serious rule violations is shown.



While no formal correlations or conclusions can be drawn at this point, observations by the IDL Forest Practices Program indicate that the last four years have included issue-driven, well attended logger education workshops around the state. These *Logger Education to Advance Professionalism* (LEAP) training sessions have provided targeted education to loggers statewide, enhancing awareness of the Forest Practices Rules and needed compliance with these Best Management Practices.

In addition, during the last two years of depressed timber markets, the majority of operations have been conducted on *industrial* private lands; non-industrial private landowners have been harvesting timber, proportional to industrial landowners, at a much lower rate statewide. Most of the larger industrial forestland owners who have actively managed timber over the last four years are all either *Sustainable Forestry Initiative* (SFI) or *Forest Stewardship Council* (FSC) certified, and all have been vigilant in ensuring that operations occurring on these certified forestlands are in full compliance with both the Forest Practices Rules and the standards set forth by their certification organizations.



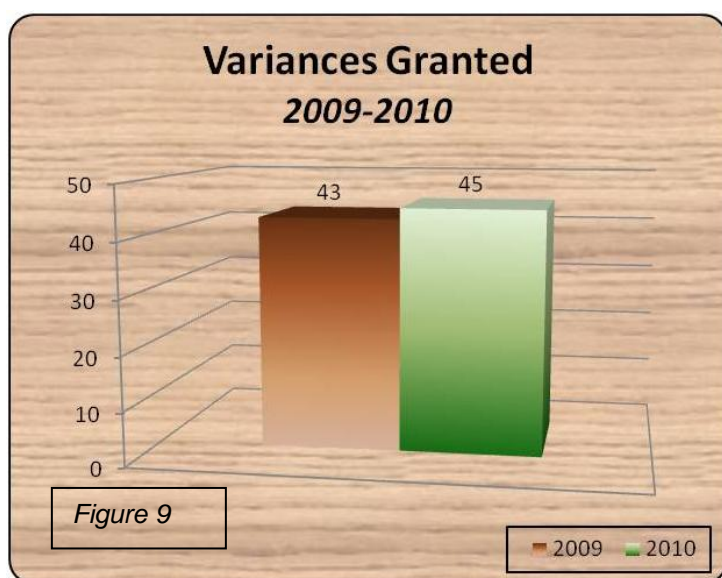
## Complaints Made to IDL

While operations are commencing on private forestlands, neighboring landowners, individuals from nearby communities or interested organizations occasionally voice concerns or complaints to personnel at their local IDL Area Offices. These complaints are fielded and addressed by IDL Private Forestry Specialists (PFSs). Complaints range from perceptions of resource degradation to concerns over aesthetics. The PFSs analyze each complaint and decide whether or not the complaint can be addressed by checking compliance with the Forest Practices Rules; if so, a site visit is usually performed. Ninety-nine (99) FPA-related complaints were fielded by IDL Area Offices (mostly by PFSs) in 2010. The number of FPA-related complaints received by each IDL Area Office is shown in *Figure 8*.

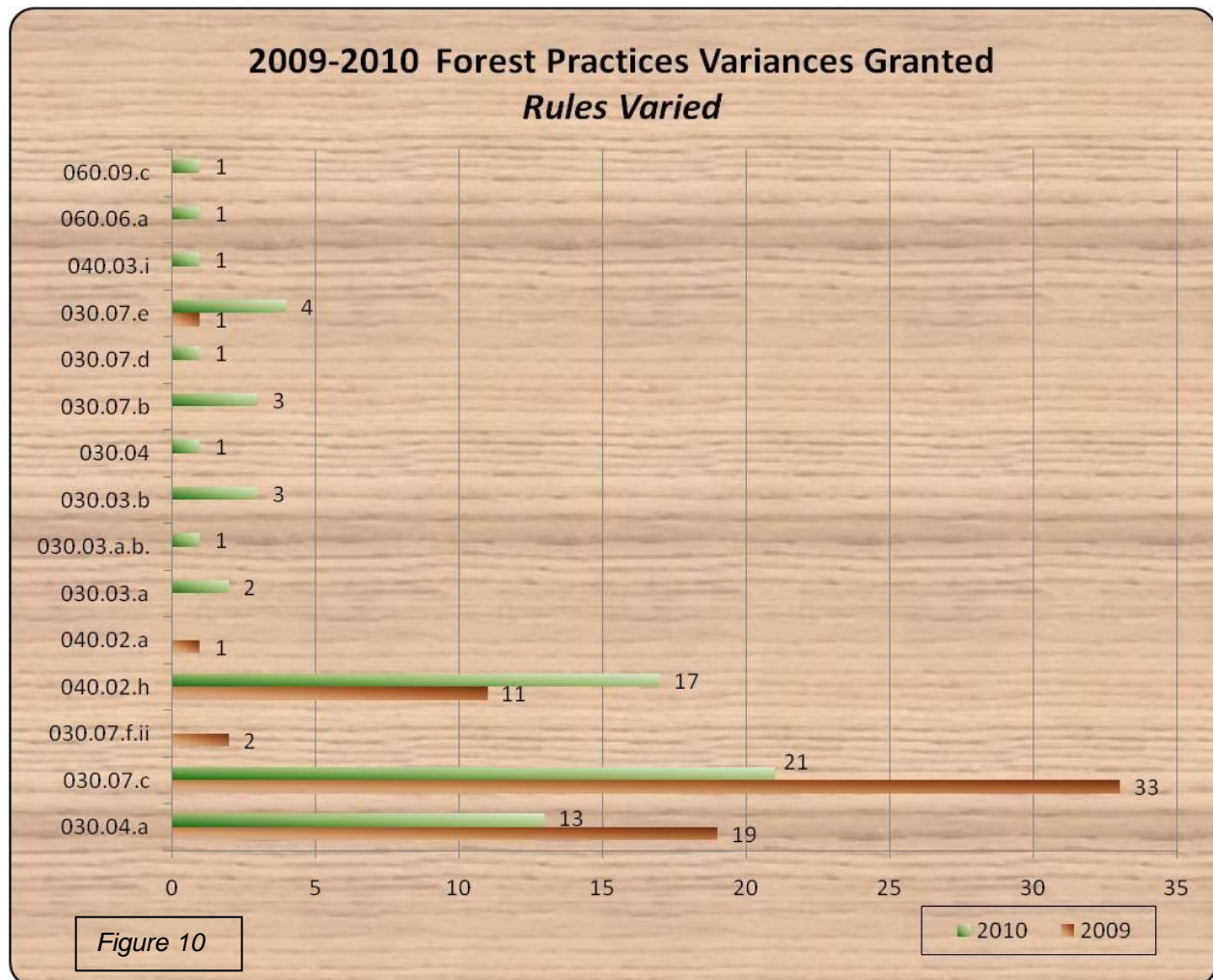


## Variances

IDL may grant a *variance* when an *Operator* demonstrates that acting under a modification of a Forest Practices Rule is necessary to successfully complete a forest practice. A variance is granted when, in the course of carrying out a forest practice, it is shown that an activity done in non-compliance with a rule will result in less or equal resource damage than operating within full compliance with the rules. Each variance request is carefully analyzed by an IDL Private Forestry Specialist. A final decision regarding the granting of a *variance* is made by the IDL Area Manager after consulting with the Private Forestry Specialist. *Figure 9* shows a 2009-2010 comparison of the number of variances granted statewide.



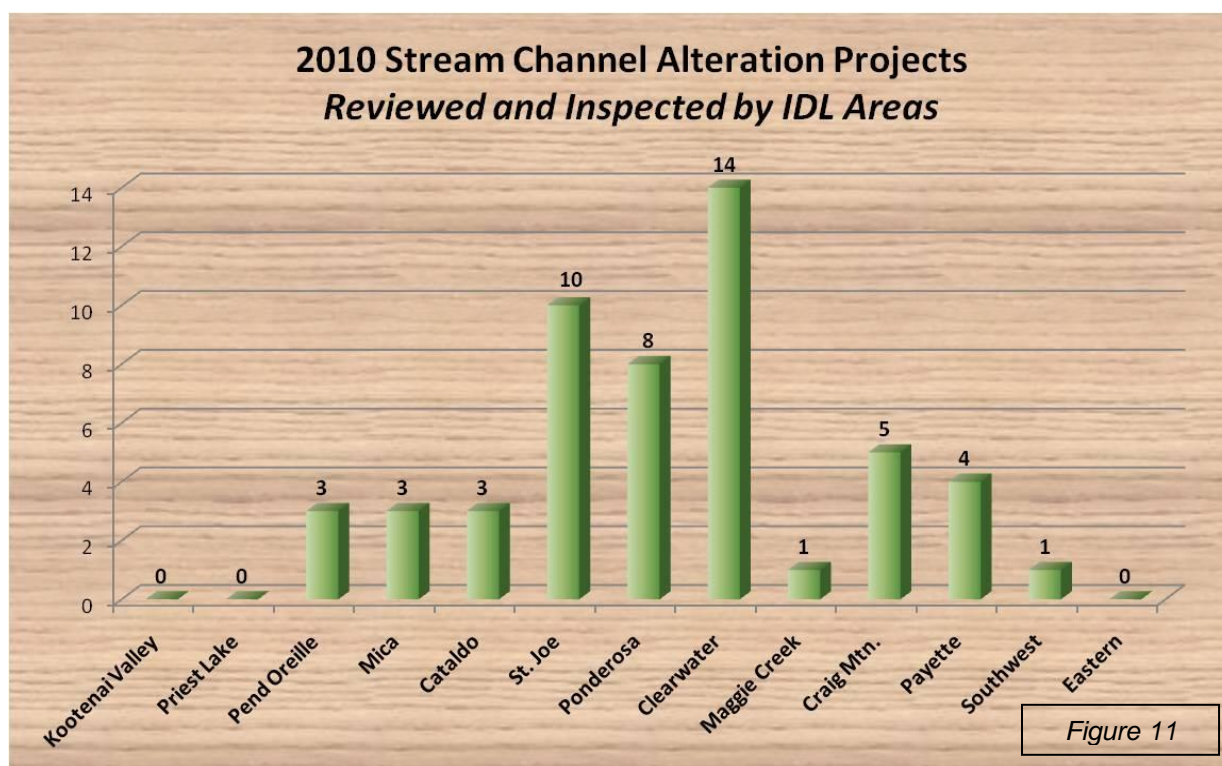
*Figure 10* illustrates the types of rules from which variances were requested. Most of these requests for variances deal with the desire to use existing trails or roads within a Stream Protection Zone. Variances of this nature were only granted if it was demonstrated to IDL that use of existing roads or skid trails (within the protected riparian area) was necessary to carry out the operation, that it would result in no additional degradation to the soils, water quality and fish habitat within the watershed, and that the use of these trails (or roads) would result in less sediment delivery than constructing new transportation systems outside of the Stream Protection Zone.



### ***Stream Channel Alteration Projects Administered by IDL***

In accordance with the MOU between IDL and the Idaho Department of Water Resources (IDWR), IDL Private Forestry Specialists have the authority to approve and administer applications for culvert, bridge and ford installations and removals on private lands, so long as the stream-channel alteration projects are part of a defined *forest practice*, the stream is perennial, and the stream-crossing structures meet certain size limitations and installation criteria.

Fifty-two (**52**) total stream-channel alteration applications were received by IDL statewide in 2010. A project application, submitted to IDL on a supplemental form, may contain multiple installations in close proximity to each other (e.g., three culvert installations on one stream segment within one operational unit). *Figure 11* shows the number of stream-channel-alteration projects reviewed, administered and inspected by each IDL Area Office in 2010.



## Summary

The Forest Practices inspections conducted in 2010 relay a clear message: Operators conducting *forest practices* within the State of Idaho keep valuable, productive forests *working* for Idahoans, while maintaining strong compliance with the Idaho Forest Practices Rules. Overall rule compliance rates are still near 97% statewide. Between 2007 and 2010, there is a marked pattern of reduction in the number of Notices of Violation (NOVs) in Idaho, culminating in no NOV issuances in 2010. This continuing decrease reveals a significant improvement rate over time, especially important since NOVs represent issuances under which significant on-the-ground resource damage has occurred. This continued high rate of compliance helps ensure that Idaho can continue to enjoy a thriving forest-practices industry in an overall environment of premium water quality, sustainable timber production and protected natural resources.